



California Fair Political Practices Commission

June 26, 1989

Thomas R. Harris
City Attorney
Stockton, CA 95202

Re: Your Request for Advice
Our File No. A-89-325

Dear Mr. Harris:

This is in response to your letter requesting advice on behalf of Stockton City Councilmember Jack Clayton regarding the application of the newly enacted provisions of the Political Reform Act (the "Act").^{1/}

QUESTION

May campaign funds collected prior to January 1, 1989 be contributed to a nonprofit organization such as a youth baseball league?

CONCLUSION

Campaign funds collected prior to January 1, 1989 that are in excess of the contribution limits of the Act may be used for any lawful purpose other than to support or oppose a candidate for elected office. Thus, the contribution of these campaign funds to a youth baseball league will not violate the Act.

However, the broader subject of whether the proposed use of campaign funds is an appropriate use is beyond our jurisdiction. "Personal use," as defined in Chapter 5 (commencing with Section 12400) of Division 9 of the Elections Code, is interpreted by the Attorney General's Office. We recommend that you contact that office for further guidance.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

DISCUSSION

Section 85306 prohibits candidates from using campaign contributions received prior to January 1, 1989 to support or oppose any candidate for elective office. However, due to a recent ruling in the case of Service Employees International Union, AFL-CIO, et al. v. Fair Political Practices Commission (United States District Court, Eastern District of California, Case No. CIVS-89-0433, LKK-JFM), funds raised prior to January 1, 1989 which are in compliance with the contribution limits of the Act may be used for future elections.^{2/}

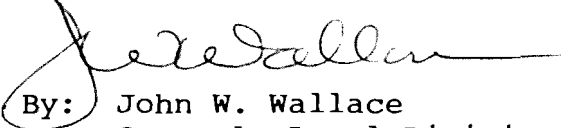
Funds raised prior to January 1, 1989 that are in excess of the contribution limits of the Act may only be used for any lawful purpose other than to support or oppose a candidate for elective office. (Regulation 18536.2, copy enclosed.) Thus the funds may not be contributed to candidate's for elected office, and may not be independently expended in support or opposition of any candidate for elective office. The funds may be used for any other lawful purpose.

As used in Section 85306, "lawful purpose" means any purpose other than personal use, as defined in Chapter 5 (commencing with Section 12400) of Division 9 of the Elections Code. Whether the proposed use of campaign funds is a personal use of campaign funds is beyond our jurisdiction. These provisions are interpreted by the Attorney General's Office. We recommend that you contact that office for advice on this question.

If you have any further questions regarding this matter, please feel free to contact this office at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel


By: John W. Wallace
Counsel, Legal Division

KED:JWW:plh
Enclosure

^{2/} Please be aware that the ruling in this case enacted a preliminary injunction against the enforcement of certain provisions of the Act. Therefore, this interpretation is subject to change once the case has been decided on the merits.



R. THOMAS HARRIS.
CITY ATTORNEY

JOHN T. MORAN
ASSISTANT CITY ATTORNEY

CITY OF STOCKTON

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MICHAEL T. RISHWAIN
BART J. THILTGEN
MARK E. TRIBBLE

May 23, 1989

California Fair Political
Practices Commission
Post Office Box 807
Sacramento CA 95804-0807

RE: USE OF CAMPAIGN FUNDS

City Councilmember Jack Clayton has asked this office to obtain an opinion from you regarding whether or not campaign donations collected before passage of Proposition 73 can be contributed by a councilmember to the support of a nonprofit organization such as a youth baseball league. The amount of the donation would apparently be \$250.

Thank you for your attention to this inquiry.

R. THOMAS HARRIS
CITY ATTORNEY

RTH:gc

cc: Councilmember Jack Clayton

100-500-111-89



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R. Thomas Harris

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CITY ATTORNEY

RTH:gc

cc: Councilmember Jack Clayton



California Fair Political Practices Commission

June 1, 1989

R. Thomas Harris
Office of the City Attorney
City Hall
Stockton, CA 95202

Re: Letter No. 89-325

Dear Mr. Harris:

Your letter requesting advice under the Political Reform Act was received on May 26, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John W. Wallace an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan
General Counsel

KED:plh